

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANNY T. LAWVER,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,
and STATE OF NEBRASKA,

Defendants.

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MEMORANDUM AND ORDER

This matter is before the court on the Plaintiff, Danny Lawver's, Motion for Additional Summonses (Filing No. 10), Motion to Supplement Complaint (Filing No. 13), and Motion to Appoint Counsel (Filing No. 18).

Motion for Additional Summonses

In his motion, the Plaintiff asks the Clerk of Court to forward him additional summonses and form 285s to serve on Ryan Mahr and Director Robert Houston. This court issued an order on May 15, 2007 informing Plaintiff that if it was his intent to sue these individual Defendants in their individual and official capacity he should supplement his complaint to indicate this was his intent. On May 22, 2007, the Plaintiff filed a Motion to Supplement his Complaint stating that the correction facility employees named in his complaint are being sued in their individual and official capacity (Filing No.13). Accordingly, the Plaintiff's Motion for Additional Summonses and Motion to Supplement his Complaint are granted.

Motion for Appointment of Counsel

The plaintiff filed a Motion for Appointment of Counsel on March 23, 2007 (Filing No. 7), and May 5, 2007 (Filing No. 11), the court entered orders denying these motions on

April 9, 2007 and May 15, 2007 (Filing Nos. 8 & 12). Since the issuance of these orders, the facts and circumstances surrounding the Plaintiff's case have not changed, accordingly, the current motion is also denied.

IT IS ORDERED:

1. That the Plaintiff's Motion for Additional Summonses (Filing No. 10) is granted;
2. That the Plaintiff's Motion to Supplement his Complaint (Filing No. 13) is granted;
3. That the Clerk of Court is directed to send the Plaintiff TWO additional summonses and Form 285s at his last known address;
4. That the Plaintiff shall, as soon as possible, send the completed summonses and 285 forms back to the Clerk of Court. In the absence of those forms, service of process cannot occur;
5. That the Plaintiff's Motion for Appointed Counsel (Filing No.18) is denied;
6. That the Clerk of Court is directed to send a copy of this Memorandum and Order to the Plaintiff at his last known address.

Dated July 16, 2007.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge